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Attorneys for Defendant  
BOSTON SCIENTIFIC CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DONALD MASTERS,

Plaintiff,

v.

BOSTON SCIENTIFIC CORPORATION,  
BOSTON SCIENTIFIC CORPORATION 2000  
LONG TERM INCENTIVE PLAN and DOES 1-  
50,

Defendant.

No. 5:07-cv-03792-HRL

DEFENDANT'S OBJECTION TO  
PLAINTIFF'S UNTIMELY DEMAND  
FOR JURY TRIAL

Defendant Boston Scientific Corporation ("Boston Scientific") objects to Plaintiff Donald Masters' ("Masters") Formal Demand for Jury Trial filed today. Pursuant to Rules 38(b) and 81(c) of the Federal Rules of Civil Procedure, Masters had 10 days after service of the notice of removal to file a demand for trial by jury. Boston Scientific served Masters with a notice of removal on July 24, 2007. Consequently, the jury demand filed today is untimely and Masters has waived his right to a jury trial. *See* Fed. R. Civ. Proc. 38(d), 81(c).

1 DATED: September 20, 2007

Bingham McCutchen LLP

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3 By: \_\_\_\_\_

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BOSTON SCIENTIFIC CORPORATION